

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

|                                   |   |                                  |
|-----------------------------------|---|----------------------------------|
| EAST TENNESSEE NATURAL GAS CO., ) | ) |                                  |
| Plaintiff, )                      | ) | Case No. 4:02-CV-00179           |
| v. )                              | ) | <b><u>ORDER</u></b>              |
| 2.93 ACRES IN WYTHE COUNTY, )     | ) | By: Jackson L. Kiser             |
| VIRGINIA, ET AL. )                | ) | Senior U.S. District Court Judge |
| Defendants. )                     | ) |                                  |

Before me are four *Motions in Limine* filed by the Defendants and seven *Motions in Limine* filed by the Plaintiff. Also, during the hearing on these motions, the Defendants made an Oral Motion for a Continuance of the Trial, which I also **GRANTED**.

(1) Defendants' *Motion in Limine to Exclude Certain Testimony and Evidence of Doyle Allen* [59] is hereby **GRANTED** as to testimony based solely upon conversations with Commonwealth Transportation Commissioner of Virginia employees or representatives and **DENIED** as to the rest;

(2) Defendants' *Motion in Limine to Exclude Testimony of any Complaints filed against Dennis W. Gruelle* [61] is hereby **GRANTED**;

(3) Defendants' *Motion in Limine to Exclude Certain Testimony and Evidence as to any lawsuits filed against James M. Hylton* [63] is hereby **GRANTED**;

(4) Defendants' *Motion in Limine to Exclude Photographs of Pipeline Easement Areas on Unrelated Properties Based on Federal Rules of Evidence 401, 403 and 802* [65] is hereby **DENIED**;

(5) Plaintiff's *Motion For an Order in Limine Exclude Defendants' Appraiser Dennis Gruelle* [67] is hereby **GRANTED** for the reasons stated on the record. As the grounds for this

motion are closely related to the Plaintiff's Motions in Limine with docket numbers 77 and 79, a forthcoming Memorandum Opinion will explain the reasoning behind my decisions on these motions in greater detail.

(6) Plaintiff's *Motion in Limine to Any Reference to the Route of the Pipeline* [69] is hereby **GRANTED**;

(7) Plaintiff's *Motion in Limine to Exclude Reference to the Wytheville Accident and Fire* [71] is hereby **GRANTED**;

(8) Plaintiff's *Motion in Limine to Exclude to Any Construction Problems Alleged by Defendants* [73] is hereby **GRANTED**;

(9) Plaintiff's *Motion in Limine to Exclude Reference to Offers on Property Which Did Not Close* [75] is hereby reserved for objections made during the course of the trial;

(10) Plaintiff's *Motion in Limine to Testimony Regarding Pipeline's Effect on Speculative Development of Interchange* [77] is hereby **GRANTED** for the reasons stated on the record and in the forthcoming Memorandum Opinion;

(11) Plaintiff's *Motion in Limine to Testimony Regarding Damages to Other Portions of Property Without Pipeline* [79] is hereby **GRANTED** for the reasons stated on the record and in the forthcoming Memorandum Opinion;

The Clerk is directed to send certified copies of this Order to all counsel of record.

Entered this 21st day of August, 2007.

s/Jackson L. Kiser  
Senior United States District Judge